

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-6 and 15-16 are pending in this application. Claims 21-26 have been canceled.

**Rejection Under 35 U.S.C. §103:**

Claims 1-5, 15-16 and 21-26 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Nagasawa (U.S. '281) in view of Nishiyama (U.S. 2003/0060287). Applicant respectfully traverses this rejection with respect to still pending claims 1-5 and 15-16.

In order to establish a prima facie case of obviousness, all of the claim limitations must be taught or suggested by the prior art and there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings.

The Office Action admits that "Nagasawa fails to teach an interruption key to initiate an interruption of a game, and a first register to which a first predetermined value is set in response to an operation of said interruption key." (See the bottom of page 3 of the Office Action).

In an attempt to remedy this admitted deficiency of Nagasawa, the Office Action relies on Nishiyama. In particular, the Office Action states "Nishiyama teaches such features (see figure 14, pause key 783c, [0159], the pause key is inherently preassigned with a predetermined value)." (See pages 3-4 of the Office Action).

The Office Action then alleges that "it would have been obvious...to incorporate the teaching of Nishiyama into view of Nagasawa in order to provide a multi function for

electronic device with detecting the incoming call while the user is playing game on the device as suggested by Nagasawa at col. 2, ln. 1-16 (emphasis added).” (See page 4 of the Office Action). Col. 2, lines 1-16 of Nagasawa states the following:

“...invention, wherein a pocket game is automatically suspended on detecting the main body being opened while the pocket game is in progress. Via this configuration, the user can suspend a pocket game when the user, noticing incoming of a call, just takes natural action of unfolding the main body.

The fifth aspect of the invention is folding portable telephone apparatus according to the second aspect of the invention, wherein, when the user operates an operation key for a pocket game to continue the pocket game while the apparatus has an incoming call and is rung, a predetermined message is automatically sent to the caller via radio communications means to terminate the call and the pocket game is continued. Via this configuration, the user can send a predetermined message to the caller and continue the pocket game.”

The first paragraph of the above cited portion of Nagasawa discloses an embodiment in which a game is automatically suspended when the main body of the game device is unfolded (opened). The second paragraph of the above cited portion of Nagasawa discloses continuing the pocket game and terminating an incoming call when the user operates a key upon receipt of the incoming call. Through this configuration, the user can send a predetermined message to the caller and continue game play.

Accordingly, col. 2, lines 1-16 does not disclose providing any “multi function” as alleged by the Office Action. Certainly there is no discussion of multiple functions to suspend game play or set a predetermined value in a register so that an interruption process will interrupt a game process. Indeed, the second paragraph of the above cited portion of Nagasawa discloses continuing game play.

Accordingly, one of ordinary skill in the art would not have been motivated to combine the teachings of Nagasawa and Nishiyama. Indeed, it appears that any proposed

motivation is improperly based on Applicant's own disclosure, not based on any teaching in the prior art or knowledge generally available to one of ordinary skill in the art.

Moreover, even if one of ordinary skill in the art were motivated to combine the teachings of Nagasawa and Nishiyama, the combination would still fail to teach or suggest all of the claim limitations. For example, the combination would still fail to teach or suggest interrupting a game process when a setting of a first register indicates a first predetermined value, the first predetermined value being set in the first register due to two distinct possible actions. One possible action is an operation of an interruption key. Another possible action is detection of an incoming phone call.

According to the present invention, a game related process is executed by a game CPU, and a phone related process is executed by a phone CPU. When an interruption key is operated, a first predetermined value is set in a first register. The first predetermined value may also be set in the first register when an incoming phone call is detected. An interruption process interrupts the game process when a setting of the first register indicates the first predetermined value.

Accordingly, the first predetermined value is set in the first register in response to an incoming call as well as an operation of the interruption key. The setting of the predetermined value in the first register in response to the incoming phone call may be accomplished without any operation of the interruption key. (See, e.g., page 2, lines 7-12 of the substitute specification). The game process is interrupted by the first predetermined value being set in the first register. Therefore, even if a conventional game program (a program which interrupts the game process when the first predetermined value is set to the first register) (as is) is used, the game process can be interrupted in response to an incoming call. That is, it is possible to suspend the game

process at a time of an incoming call without modifying a game pause function originally provided in the conventional game program. (See, e.g., page 3, lines 7-14 and page 44, line 24 to page 45, line 5 of the substitute specification).

In contrast, Nagasawa discloses suspending a game process in response to detecting an incoming call, and resuming the game process in response to an operation of a game start button after completing a phone conversation. Nagasawa fails to teach or suggest a first predetermined value being set in the first register in response to an incoming call as well as an operation of the interruption key. Moreover, Nagasawa fails to disclose or even remotely suggest anything regarding the benefit of the present invention in which a game process may be interrupted in response to an incoming call even if a conventional game program (as is) is used.

While Nishiyama discloses a pause key to temporarily pause a displayed image, Nishiyama fails to teach or suggest a first predetermined value being set in the first register in response to an incoming call as well as operation of the interruption key. Nishiyama therefore fails to disclose or even remotely appreciate the benefit of the present invention in which a game process may be interrupted in response to an incoming call even if a conventional game program (as is) is used. Accordingly, even if Nagasawa and Nishiyama were combined as proposed by the Office Action, the combination would not have taught or suggested all of the claim limitations.

Accordingly, Applicant respectfully requests that the rejection of claims 1-5 and 15-16 under 35 U.S.C. §103 be withdrawn.

Claim 6 was rejected under 35 U.S.C. §103 as allegedly being unpatentable over Nagasawa in view of Nishiyama and further in view of Simon et al (U.S. publication no. 2003/0087652, hereinafter "Simon"). Since claim 6 depends from claim 1, all of the

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comments made above with respect to the combination of Nagasawa and Nishiyama in regards to claim 1 apply equally to claim 6. Applicant respectfully submits that Simon fails to remedy the above described deficiencies of Nagasawa and Nishiyama. Applicant thus respectfully requests that the rejection of claim 6 under 35 U.S.C. §103 be withdrawn.

**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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